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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,121	11/14/2003	Masuyuki Sago	0022-3481	9609

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EXAMINER
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SORRELL, ERON J

ART UNIT	PAPER NUMBER
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2182

MAIL DATE	DELIVERY MODE
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06/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/713,121	<b>Applicant(s)</b> SAGO ET AL.	
	<b>Examiner</b> Eron J. Sorrell	<b>Art Unit</b> 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/23/07 has been entered.

***Response to Amendment***

2. The amendment to the claims filed on 4/23/07 does not comply with the requirements of 37 CFR 1.121(c) because the applicant has used an improper method of showing deleted text in claim 6. Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:

(c) *Claims*. Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the

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application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) *Claim listing.* All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1-5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) *When claim text with markings is required.* All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters (emphasis added). The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn-currently amended."

(3) *When claim text in clean version is required.* The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, i.e., without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

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(i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

3. In the interest of compact prosecution, the Examiner has reviewed the amendment and remarks and will examine the claims as amended.

#### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: there appears to be a typographical error in the second to last line of claim 1, which reads "...adapters may be is displayed..." It appears as if the claim should read "...adapters may be displayed..." Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Independent claims 1 and 4, recite the limitation of "display means proximate to each of the optical adapters," however, there is no support for such limitation in the specification. Using the plain meaning of the word "proximate" (i.e. very near to), the display device is not disclosed as being very near to the optical adapters. The display device is disclosed, in the specification and in the claims, as being part of the data processing and display device, which from the specification appears to be a laptop (item 18 in figure 1), which is connected to the optical adapters by a network, but is not "proximate" to the adapter when proximate is given its plain meaning. It appears that it is the optical indicators that are proximate to the optical adapters.

7. In the interest of compact prosecution, the Examiner will interpret the limitation of "a display means proximate to the

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optical adapters" as the display device being connected to, via a network, the optical adapters.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 3 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claims 3 and 6 recite the limitation "the desired interactive structure," and "the desired structure", respectively starting at line 4 of each claim. There is insufficient antecedent basis for this limitation in the claims.

#### ***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an

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application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being Stanescu by (U.S. Patent No. 6,784,802).

13. Referring to claims 1 and 4, Stanescu teaches a distributing system for mutually connecting optical connection lines (see lines 24-28 of column 1, wherein a Telecommunications Closet is disclosed), comprising:

a plurality of optical connection lines with single or multiple cores (see lines 16-22 of column 4), wherein two ends of each line are provided with connector plugs with memory function units capable of untouchably performing, from the outside thereof, writing-in operation and reading-out operation of identification information of the same connector plugs are respectively connected (see lines 15-27 of column 4, wherein Stanescu teaches the FPU that can read and program (write) to the transponders);

a plurality of plug boards mounted on the distributing frame (see lines 48-54 of column 4, wherein racks are disclosed);

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a plurality of optical adapters (or receptacles) (rack ports, lines 48-54 of column 4), mounted separately on the plug boards and connected respectively to communication lines, for coupling to each of the connector plugs with memory function units capable of performing, from the outside thereof and without contact, writing-in operation and reading-out operations of address information of said receptacles (see lines 55-62 of column 4);

a plurality of antennas (see lines 5-11 of column 6) positioned proximate to each of the receptacles for writing-in operation into and reading-out operation, without contact, of the address information from the memory function unit when each of the connector plugs is coupled to desired one of the receptacles (see lines 5-11 of column 6); and

a data processing and display device (LMU and CMU, see lines 53-67 of column 6 and lines 21-24 of column 7), connected to a plurality of said antennas, comprising memory means for storing a wiring table showing a desired relationship between said addresses information of said receptacles and said identification information of the connector plugs, and display means proximate to each of the optical adapters for displaying desired parts of the information on the wiring table (see lines

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21-31 of column 7, note the LMU and CMU are connected to the optical adapters);

wherein said identification information of each of the connector plugs coupled to one of said receptacles specified may be displayed on the display means and stored in the memory means (see lines 59-61 of column 6 and line 21-24 of column 7).

14. Referring to claims 2 and 5, Stanescu indicators are switched ON-OFF in accordance with desired switching timing, which is controlled by a control signal from the data processing and displaying device (see lines 11-23 of column 5).

15. Referring to claims 3 and 6, Stanescu teaches the system comprises means for displaying the indicators as two different colors, "correct" color one and the other a "possibly incorrect" color, said "possibly incorrect" color being lit at the point of incorrect connection when considered in light of the desired interactive structure between said addresses information of said receptacles and said identification information of the connector plugs (see lines 29-35 of column 5 and lines 18-20 of column 6, wherein the colors red and green are utilized).

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16. As best understood by the Examiner from the context of it's use and the rest of the claim, the "desired interactive structure" is being interpreted as a graphical representation of the current physical wiring topology that can displayed on a monitor. Stanescu teaches this same limitation at lines 21-24 of column 7.

***Response to Arguments***

17. Applicant's arguments filed 4/23/07 have been fully considered but they are not persuasive. The applicant argues:

1) the prior art fails to teach the display means being proximate to each of the optical adapters (see first full paragraph of page 7);

2) The prior art makes no reference to single or multiple cores (see 2<sup>nd</sup> full paragraph of page 7);

3) The prior art does not use the visual indicators for the same purpose that the applicant uses the visual indicators (see lines 3-7 on page 8).

**As per argument 1, the Examiner disagrees.** The applicant's specification does not support the display device being proximate (i.e. very near to) the optical adapters. It is the optical indicators that are proximate to the adapters. This is recognized by the applicant at lines 7-9 of page 7 of the

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remarks, wherein the applicant states "...an optical indicator is...proximate to each adapter. The display means of the prior art is connected to the optical adapter in the same fashion as the applicant's claimed display means (see rejection of claims 1 and 4 above).

**As per argument 2**, the applicant has amended the claims to delete the limitation concerning single or multiple cores, therefore applicant's argument is moot.

**As per argument 3**, wherein the applicant argues that the prior art does not use the visual indicators for the same purpose that the applicant uses the visual indicators, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J.

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Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EJS

5/23/2007

*Eric D. Smith* 5/23/07